

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 CIVIL APPLICATION NO. 9941 OF 2017
IN FA/959/2015 WITH CA/9723/2015 IN FA/959/2015

VISHAL SUDHAKAR BARURE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR
AND ORS

...
Advocate for Applicant : Mr. Patil Laxmikant C.
AGP for Respondents: Mr. B.V. Virdhe
Advocate for Respondents : Mr. S.G. Sangle

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CORAM : V. K. JADHAV, J.
DATED : 28th JULY, 2017

PER COURT:-

1. Learned counsel for the applicant submits that by order dated 21.8.2015 and modified order dated 27.8.2015, this Court has permitted the applicant to withdraw the amount on certain conditions. Learned counsel submits that however, at the time of said withdrawal of the amount, as ordered by this Court, the respondent acquiring body has not deposited the entire amount. Now the acquiring body has deposited the balance amount and as such, the applicant may be permitted to withdraw the amount on the same conditions, as imposed by earlier orders.

2. Learned counsel for the respondent acquiring body submits that though the balance amount is deposited afterwards, whether the

amount was really due and outstanding or not, needs to be verified. I do not understand as to why there is need of verification because the department has carried out the calculation and accordingly sent the demand draft for depositing the balance amount in this court. Even otherwise also, the applicants are already permitted to withdraw the amount on conditions as per the earlier orders. Hence, I proceed to pass the following order:-

O R D E R

- I. The applicant is permitted to withdraw 50% of the amount deposited, on furnishing undertaking that in the event this Court directs the applicant to deposit the amount, he will redeposit the amount within one month from the date of such order.
 - II. The applicant is permitted to withdrawn 25% of the amount deposited on furnishing solvent security/surety of the like amount and remaining 25% is allowed to be withdrawn on furnishing bank guarantee of any Scheduled Bank.
3. Civil application is disposed of.

(V. K. JADHAV, J.)